

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BEHZAD SALIMI,

Plaintiff,

vs.

Cause No. CIV-2008-01165-RB/DJS

**LOS ALAMOS NATIONAL
SECURITY, LLC,**

Defendant.

JOINT MOTION TO MODIFY SCHEDULING ORDER

The plaintiff, Behzad Salimi, together with the defendant Los Alamos National Security, LLC, moves this Court to modify its Scheduling Order filed on August 27, 2009 to extend certain deadlines contained in that Order. What follows are the grounds for the motion:

1. United States Magistrate Judge Don J. Svet entered a Scheduling Order in this case on August 27, 2009.
2. Since the entry of that Scheduling Order, defendant Los Alamos National Security, LLC's primary attorney on the case, Sarah Singleton, has been appointed as a judge in the First Judicial District for the State of New Mexico.
3. Before Judge Singleton's appointment, the parties had agreed to exchange discovery and attend mediation before a large number of depositions took place.
4. A settlement conference in this matter has been set before Chief Magistrate Judge Lorenzo Garcia on June 2, 2010.
5. Because of Judge Singleton's appointment, and the agreement to economize on depositions before mediation, the parties have taken only the depositions

essential to the settlement conference: The deposition of the Plaintiff, Dr. Salimi, and the deposition of Jason Lujan, a key defense witness.

5. For the same reasons of economy, Plaintiff has recently received extensive written discovery from the defendant. Plaintiff has evaluated the written discovery and will be discussing the completeness of that discovery informally in an attempt to eliminate the need for a motion to compel.

6. Plaintiff's counsel also finds himself very tightly scheduled for trial. This Court has set trial on this matter for December 8, 2010. Plaintiff's counsel is scheduled to try a wrongful death action, Terry and Sharon Putt v. Bliss on Tap, Inc., in the Thirteenth Judicial District, Sandoval County, Cause No. D-1329-CV-2008-00488, from November 29, 2010 to December 3, 2010. Undersigned counsel represents the Putts. Because discovery is much closer to completion in that case, because it has been continued once at the request of the defendant, and because the matter involves the alleged wrongful death of a child and therefore has been very emotionally taxing for the plaintiffs in that case, plaintiffs' counsel wishes to keep the current trial date there if at all possible. Preparations for both trials that close together will put an extreme and needless burden on counsel and staff.

7. Plaintiffs wish to have an order of the Court entered based upon the good cause demonstrated here to move the termination of discovery from the current March 15, 2010 to a date at the end of August, 2010. The parties further wish to have a pre-trial motions, other than discovery motions, deadline that would follow the close of discovery in August, and a trial date in February or March, 2011.

8. Therefore, the parties, based upon the good cause shown here, ask this Court to enter an Order modifying its Scheduling Order of August 27, 2009, to establish the new deadlines as described in the Motion. The parties further ask that any other deadlines the Court feels must be moved because of the requested changes also be modified.

Respectfully submitted,

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& WENTWORTH, P.A.
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CERTIFICATE OF SERVICE

It is hereby certified that on the 10th day of May, 2010, a true copy of the foregoing Joint Motion to Modify Scheduling Order was served on all counsel of record in this matter pursuant to the Court's CM/ECF system.

s/Jerry Todd Wertheim
JERRY TODD WERTHEIM